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August 2, 2021

File No. 50031.1618

VIA CM/ECF AND E-MAIL

Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street, Suite 1610
New York, New York 10007
Email: ChambersNYSDMarrero@nysd.uscourts.gov

Re: Reid v. Sack et. al. - Civil Action No. 20-01817

Dear Judge Marrero:

We represent the defendants in the above referenced matter. In accordance with the Court's Individual Practices, defendants hereby respectfully submit a proposed Revised Civil Case Management Plan and Scheduling Order. This is the first request for revision by the defendants and the plaintiff has consented through his counsel.

We are making this request because plaintiff's underlying arbitration against his former employer has settled in principle. In defendants' view, plaintiff's recovery in the arbitration will impact the damages he is seeking to recover from the defendants in the instant suit. Rather than seeking a stay of this matter pending the resolution of the arbitration, counsel for the parties agreed to extend various discovery deadlines in the instant action while the settlement of the arbitration is being finalized. These extensions are reflected in the enclosed proposed Revised Civil Case Management Plan and Scheduling Order.

Respectfully Submitted,

/s/ Jamie R. Wozman

Jamie R. Wozman of
LEWIS BRISBOIS BISGAARD & SMITH LLP

JRW

Enclosure

cc: All Counsel of Record (via CM/ECF)
Chester R. Ostrowski, Esq. (via e-mail)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BRUCE J. REID,

Plaintiff(s),

- against -

JONATHAN S. SACK, MICHAEL

H. MUI, and SACK & SACK,

LLP

Defendant(s).
-----X

20 Civ. 01817 (VM)

**REVISED CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)(is not) to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by March 19, 2021.
3. Amended pleadings may be filed without leave of the Court until March 19, 2021.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than March 19, 2021.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than November 24, 2021; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than _____.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by March 26, 2021.
 - b. Interrogatories to be served by all party by May 18, 2021.
 - c. Depositions to be completed by September 30, 2021.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.

d. Any additional contemplated discovery activities and the anticipated completion date:

e. Requests to Admit to be served no later than October 6, 2021.

7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:

a. Plaintiff December 22, 2021.

b. Defendant January 19, 2022.

8. Contemplated motions:

a. Plaintiff: Motion for Summary Judgment

b. Defendant: Motion for Stay and Motion for Summary Judgment

9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than February 3, 2022.

10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes _____ No X

TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for _____.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

VICTOR MARRERO
U.S.D.J.